

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
General Iron Industries Inc.)	FINDING OF VIOLATION
Chicago, Illinois)	
)	EPA-5-00-IL-08
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
)	
_____)	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that General Iron Industries Inc. (General Iron) has violated Section 608 of the Clean Air Act and its implementing regulations at 40 C.F.R. Part 82, Subpart F as follows:

Statutory and Regulatory Authority

1. Section 608(a)(2) of the Act, 42 U.S.C. § 7671(a)(2), authorizes the U.S. EPA to promulgate regulations establishing standards and requirements regarding the use and disposal of class I and II substances during service, repair, or disposal of appliances and industrial process refrigeration.
2. Under Section 608(c)(1) of the Act, 42 U.S.C. § 7671(c)(1) it is unlawful for any person, in the course of disposing of an appliance, to knowingly vent or dispose of any Class I or Class II substance used as a refrigerant in such appliance in a manner which permits such substance to enter the environment. Section 602(b) of the Act, 42 U.S.C. § 7671(b) lists substances identified by the Administrator as Class I and/or II substances. This list includes hydrochlorofluorocarbons ("HCFC"). The Administrator has determined that the release of these substances into the environment causes ozone-depletion and has a harmful effect on human health and the environment.

3. The regulations at 40 C.F.R. § 82.154(a), effective June 14, 1993, prohibit persons who maintain, service, repair, or dispose of appliances to knowingly vent or otherwise release into the environment any class I or class II substance used as refrigerant in such equipment.
4. The regulations at 40 C.F.R. § 82.156(f), effective July 13, 1993, require persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of appliances, motor vehicle air conditioners (MVAC), and MVAC-like appliances to either: 1) recover any remaining refrigerant from the appliance in accordance with specific procedures, 40 C.F.R. § 82.156(g) or (h); or 2) verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Persons regulated under § 82.156 (f)(3) must notify suppliers of appliances that refrigerant must be properly removed before delivery of the items to the facility.

Factual Background

5. General Iron owns and operates a scrap handling operation at 1909 North Clifton Avenue, Chicago, Illinois.
6. General Iron is a person who disposes of appliances and small appliances as part of its business operations and is subject to the regulations at 40 C.F.R. Part 82, Subpart F.
7. 40 C.F.R. § 82.152 defines "appliance" as any device which contains and uses a class I or class II substance as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.
8. 40 C.F.R. § 82.152 defines "disposal" as the process leading to and including: (1) the discharge, deposit, dumping or placing of any discarded appliance into or on any land or water; (2) the disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or (3) the disassembly of any appliance for reuse of its component parts.

9. On May 24, 1999, U.S. EPA conducted an inspection at the General Iron facility and observed that General Iron failed to follow the required work practices in accordance with specific procedures in the regulations by failing to verify that the refrigerant had been previously evacuated from the appliances it accepts or recover any refrigerant from those appliances.
10. On May 28, 1999, U.S. EPA issued a Cease and Desist Order to General Iron to cease all activities involving the disposal of appliances and or small appliances containing refrigerant at its facility.
11. On June 3, 1999, while the Cease and Desist Order was still in effect, U.S. EPA conducted an inspection at the General Iron facility and observed General Iron engaging in activities involving the disposal of appliances without written approval from U.S. EPA that it may proceed with these operations.
12. On June 3, 1999, U.S. EPA conducted an inspection at the General Iron facility and observed General Iron accepting appliances without an approved verification or recovery plan.

Violations

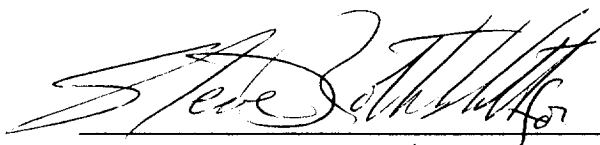
13. General Iron failed to verify, in accordance with work specific procedures, that the refrigerant had been previously evacuated from the appliances it accepts, in violation of 40 C.F.R. § 82.156(f)(2).
14. General Iron, in violation of the Cease and Desist Order and Section § 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3), commenced operations involving the disposal of appliances, small appliances and/or scrap materials that contained refrigerants before receiving written authorization from U.S. EPA.

Finding of Violation

The Administrator of U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Illinois and General Iron, Chicago, Illinois, that General Iron is in violation of Section 608 of the Clean Air Act and its implementing regulations at 40 C.F.R. Part 82, Subpart F as set forth in this Finding of Violation.

12/22/99

Date

A handwritten signature in black ink, appearing to read "Margaret M. Guerriero", written over a horizontal line.

Margaret M. Guerriero,
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that a Notice of Violation, No EPA-5-00-IN-07 and Finding of Violation, No. EPA-5-00-IN-08 was sent by Certified Mail, Return Receipt Requested, to:


Nathan Rosenmutter, President
General Iron Industries
1909 North Clifton Avenue
Chicago, Illinois 60614

I also certify that copies of the Notice of Violation and Finding of Violation were sent by first class mail to:

David Kolaz, Manager
Environmental Control
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Region 1
Illinois Environmental Protection Agency
1701 First Avenue - Suite 600
Maywood, Illinois 60153

on the 23rd day of December 1999.


Betty Williams, Secretary
AECAS (IL/IN)

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CERTIFIED MAIL RECEIPT NUMBER